

Appl. No. 10/722,036
Amdt. Dated February 2, 2006
Reply to Office Action of August 2, 2005

Docket No. IS01202AP
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1, 4, 9, and 11 have been amended. Claims 1-20 are pending in this application.

Claims 4 and 11 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4 and 11 have been amended to overcome the rejection by changing the claim dependencies so that proper antecedent basis is found.

Claims 1 and 9 are rejected under 35 USC 102(b) as being anticipated by Ahn (USPN 6,116,742). Claims 1-4 and 9-11 are rejected under 35 USC 102(b) as being anticipated by Jacobs (USPN 6,193,380).

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim

Independent Claims 1 and 9 have been amended to require that the mirror adjust "in response to a viewing position of a driver." This amendment is described in a number of places in Applicants' specification, but specifically on page 5, lines 12-20. As such, no new matter is added by this amendment.

In any case, such a limitation is not described either expressly or inherently in either the Ahn or the Jacobs references, as required by MPEP § 2131. Both prior art references describe technology where a mirror position is changed to a pre-set position in response to an obstacle detected in a blind spot. Applicants claimed invention requires that the mirror be adjusted "in response to a viewing position of a driver." As such, this limitation is not found in the prior art references. Since the limitation to "in response to a viewing position of a driver" is not described

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either expressly or inherently in any of the cited references as required by MPEP § 2131, the rejection is unsupported by the art and should be withdrawn.

Therefore, Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.


Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: _____


Indira Saladi
Attorney of Record
Reg. No.: 45,759

Telephone: 847.576.6735
Fax No.: 847.576.0721